

IN SENATE OF THE UNITED STATES.

FEBRUARY 16, 1846.

Submitted, and ordered to be printed.

Mr. ATCHISON made the following

REPORT :

[To accompany bill S. No. 83.]

*The Committee on Indian Affairs, to whom was referred the memorial of the chiefs and delegates of the Wyandot Indians, praying payment of the value of their improvements ceded to the United States, by the treaty of March 17, 1842, have carefully examined said memorial and the documents accompanying it, and report as follows :*

A treaty was concluded between the government of the United States and the Wyandot Indians, on the 17th of March, 1842, at Upper Sandusky, Crawford county, Ohio, by which treaty the Wyandots ceded to the United States one hundred and nine thousand one hundred and forty-four acres of land, lying and being in the county of Crawford, and State of Ohio ; also four thousand six hundred and ninety-six acres of land, situate in the State of Michigan, on the river Huron ; and by the 5th article of the treaty, the United States agreed to pay the Wyandots the full value of their improvements on the lands ceded by them in Ohio and Michigan, which valuation was to be made by two persons to be appointed by the President of the United States, who were to be sworn to do justice faithfully to the parties, and the amount of such valuation to be paid at any time after the first of April, 1843, as should be acceptable to the Wyandot chiefs, to meet their arrangements for emigration. By the 7th article, the Wyandots were allowed to use and occupy their improvements, under certain restrictions, until the first of April, 1844. In pursuance of the 5th article of said treaty, the President of the United States appointed Moses H. Kirby and John Walker commissioners to assess the value of the improvements of the Wyandots. They proceeded to the discharge of the duties assigned them, and reported the value of the improvements to the Commissioner of Indian Affairs, at one hundred and twenty-seven thousand and ninety-four dollars and twenty-four cents. To meet this valuation no appropriation has been made by Congress, except twenty thousand dollars, which the Wyandots refused to receive until they were assured by the Commissioner of Indian Affairs, through their agent, that the government would keep good faith with them, and that the appropriation to meet the full valuation of their improvements would be made by Congress ; that upon this assurance being given, they removed from their improvements and lands to their new home, west

of the Mississippi river. But, from some cause unknown to the Wyandots, Congress has refused to make the appropriation to meet the full amount of the appraised value of their improvements, made as aforesaid. The committee, however, are informed that the valuation of the improvements was supposed to be too high, and for this reason the appropriation has been refused. But the committee have no sufficient evidence to believe that the valuation was too high, or that there was any fraud practised either by the Wyandots or the commissioners appointed. Some sixteen or eighteen months after the first appraisement was made, and the Wyandots had removed west of the Mississippi, the President of the United States appointed *three* new commissioners to re-appraise said improvements, who proceeded to discharge the duties assigned them, and reduced the aggregate of the first appraisement some sixty thousand dollars, against which the Wyandots protest, for the following reasons :

1st. Because it was done after the power under the 5th article of the treaty had been exhausted, and was, therefore, not in accordance with the treaty.

2d. It was made without the knowledge and consent of the Wyandots.

3d. It was made by three persons, and therefore not in conformity with the treaty.

The committee are of opinion that the rejection of the second appraisement by the Wyandots is fully justified for the reasons assigned, unless fraud in the first appraisement is proven by the United States. At the session of Congress, in 1844, an act was passed, or rather a clause was inserted in the Indian appropriation bill, to the following effect : " That there be paid to the Wyandots, for their improvements, in accordance with the 5th article of the treaty of Upper Sandusky, dated the seventeenth of March, 1842, fifty thousand dollars : *Provided*, That no greater sum shall be paid out of this appropriation to said Indians, than that admitted to be due under the second valuation of the said improvements, until otherwise directed by the future action of Congress," &c. Under this enactment, the memorialists say that the Wyandot chiefs and nation refused to receive the money so appropriated, or any part of it, unless their rights under the first appraisement should be accorded to them. But they admit that a few individuals among them, since their removal west, on account of their greatly distressed circumstances and embarrassments, received the amount which would be coming to them respectively, according to the amount fixed by the second appraisement. They allege that those individuals so receiving the money protested that the money so paid was only a part of what they were justly entitled to, but that the agent who paid them the money refused so to do without a receipt in full from them, and thus the receipts were extorted from them by reason of their poverty and distressed condition. These payments, however, it is alleged, were made to a few individuals, each acting for himself and against the will of the nation.

The committee are therefore of the opinion that the government of the United States, in good faith, are bound to pay the Wyandots the value of their improvements, according to the valuation made by Walker and Kirby, the commissioners appointed by the President of the United States, for that purpose, in pursuance of the treaty. There is no evidence before the committee, to show that there was any fraud or unfairness in the valuation of the improvements. On the contrary, there is proof to show that the valuation was fair and not at all unreasonable. It appears that the Wyandots

have in all things, on their part, complied with the treaty, and that they from time to time received assurances from the War and Indian Departments, and from the government agent, that the United States was bound and would comply with the treaty on their part, and that the first valuation of their improvements would be paid them.

The committee report the accompanying bill, and recommend its passage.

